

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 18-40**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 04/04/2018	NEED RESPONSE BY: 04/11/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Santa Barbara County	
3. PHONE NO.:	EMAIL:	7. SUBJECT: Child Support Verification 2018	
4. REGULATION CITE(S): MPP 63-300.5(e)(10)		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-45-11	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

Scenario: A client reports paying Child Support in the amount of \$400 p/m. The client's pay stubs show a garnishment amount of \$200 as the client gets paid twice per month. The client lost his court order and does not have time to go to court to get another one because he works full time. The client completed a CW 2200 ROI allowing us to contact Child Support on his behalf to obtain the verification (see PI dated 8/24/15).

**Questions:**

- 1) Is a court order required to verify the legal obligation of child support paid before the exclusion can be allowed?
- 2) If the worker is unsuccessful in obtaining the client's legal obligation of child support, can the worker take an affidavit from the client regarding the amount paid and allow the exclusion?

## 10. REQUESTOR'S PROPOSED ANSWER:

Per ACIN I-45-11, Before a child support payment is allowed as an exclusion from gross income, the CWD must verify the legal obligation to pay child support, the amount of the obligation, and the amount the household actually pays. If verification is not provided, the exclusion is not allowed. Failure to verify payments is not a basis for denying or discontinuing a case if the person is otherwise eligible. The CWD is required to assist applicants in securing documents and with permission from the household, should assist the applicant household in securing child support payment verification from the Department of Child Support Services' (DCSS) automated system.

Answers: 1) A court order is not necessary as long as the legal obligation is verified.

2) Because the worker has a ROI signed by the client, the worker must first attempt to call the DCSS' automated system to verify the legal obligation. If the worker is not able to verify the legal obligation through the automated system, the worker will not allow the exclusion as stated in ACIN I-45-11. An affidavit can not be taken to verify Child Support.

## 11. STATE POLICY RESPONSE (CFPB USE ONLY):

1. The State agrees with the proposed response. A court order is not a required source of verification as long as the CWD does obtains verification of the household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays. Per ACIN I-45-11, the CWD may use information provided by the Department of Child Support Services (DCSS) in obtaining verification for child support obligations.
2. The State agrees with the proposed response. If the CWD made the required effort in this specific scenario to assist the client in obtaining child support payment verification from DCSS and, consequently, DCSS would not release verifying information, then per ACIN I-45-11 the child support payment exclusion would not be allowed because child support payment verification was not provided.

**FOR CDSS USE**

DATE RECEIVED:

4/5/2018

DATE RESPONDED TO COUNTY/ALJ:

4/10/2018 SM